

C. IOWA RESIDENCY

Guidelines for determining Iowa residency are found in the Iowa Administrative Code, Chapter 681 (Board of Regents), Section 1.4 and in the Iowa Community College Uniform Policy on Student Residency Status. Community colleges utilize the Iowa Community College Uniform Policy on Student Residency Status to determine student residency for all state-funded programs administered by the Commission.

The main factor affecting residency is the reason for a student's presence in Iowa. If a person comes to Iowa primarily for educational purposes, that person will be considered a nonresident under the Commission's programs.

The burden of proof that the student came to Iowa for reasons other than pursuing an education or that the student has subsequently established Iowa residency falls on the student.

When determining Iowa residency under the Board of Regents policy, the following guidelines should be considered:

1. Financially dependent students, whose parents move from Iowa after the students enroll in postsecondary education, remain Iowa residents throughout terms of continuous enrollment. Students are continuously enrolled if they maintain enrollment throughout the regular nine-month academic year. (Students may reside with parents during the summer unless the course of study requires summer enrollment.)
2. If the parents of dependent students move from Iowa while the students are seniors in high school, the students are considered Iowa residents as long as the students do not establish domicile in another state.
3. Individuals who come to Iowa and enroll in any postsecondary education institution for a full or substantially full program are presumed to have come to Iowa primarily for educational purposes and are not considered to be Iowa residents.
4. Former Iowa residents who leave Iowa for periods of less than 12 months and reestablish domiciles in Iowa are considered to be Iowa residents. If the absences are longer than 12 months, students may be considered residents if they reestablish Iowa domiciles and present evidence showing long-term ties to Iowa.
5. Students who move to Iowa may be considered Iowa residents at the next registration following 12 consecutive months in Iowa provided the students have not enrolled as more than half-time students in any academic year term, are not enrolled for more than 4 credits in a summer term for any classification, and

provide evidence of the establishment of an Iowa domicile. The 12 consecutive months need not be the first 12 months students are in Iowa.

6. Continuously enrolled dependent students who are financially dependent upon their parents and whose parents move to Iowa may be considered Iowa residents at the beginning of the next term.

7. Refugees or individuals granted asylum by the government may be considered Iowa residents only if they come directly to Iowa from refugee facilities or ports of debarkation or come to Iowa within a reasonable time and have not established domiciles in other states.

8. Aliens who have immigrant status establish Iowa residency in the same manner as U.S. citizens.

9. American Indians who have origins in any of the original people of North America and who maintain cultural identification through tribal affiliation or community recognition with a tribe or nation connected with the state of Iowa may be considered Iowa residents.

10. Additional guidelines are used in determining the resident classification of a veteran, qualified military person, and dependent children and spouses of a veteran or qualified military person:

(a) A person who is stationed on active duty at the Rock Island arsenal as a result of military orders, or the dependent child or spouse of such person, is entitled to resident status for purposes of state scholarship and grant eligibility. However, if the arrival of the person under orders is subsequent to the beginning of the term in which the dependent child or spouse is first enrolled, nonresident fees will be charged in all cases for the dependent child or spouse until the beginning of the next term in which the dependent child or spouse is enrolled. If the qualified military person is transferred, deployed, or re-stationed while the person's spouse or dependent child is enrolled in an institution of higher education under the control of the board of regents, the spouse or dependent child shall continue to be classified as a resident under this subparagraph until the close of the fiscal year in which the spouse or dependent child is enrolled.

(b) A veteran who is domiciled or moves to the state of Iowa and who is eligible for benefits, or has exhausted benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008, is entitled to resident status for purposes of state scholarship and grant eligibility. The dependent child or spouse of a veteran who meets these requirements is entitled to resident status. However, if the arrival of the veteran in Iowa is subsequent to the beginning of the term in which the dependent child or spouse is first enrolled, nonresident fees will be charged in all cases for

the dependent child or spouse until the beginning of the next term in which the dependent child or spouse is enrolled.

(c) A person who is moved into the state as the result of military or civil orders from the government for other than educational purposes, or the dependent child or spouse of such a person, is entitled to resident status. However, if the arrival of the person under orders is subsequent to the beginning of the term in which the dependent child or spouse is first enrolled, nonresident fees will be charged in all cases until the beginning of the next term in which the dependent child or spouse is enrolled. Legislation, effective July 1, 1977, requires that military personnel who claim residency in Iowa (home of record) will be required to file Iowa resident income tax returns.

Commission staff will review individual student cases through information provided on the "Application for Iowa Resident Classification" form. The "Application for Iowa Resident Classification" form is available on the Commission's website at: <https://www.iowacollegeaid.gov/content/forms-and-applications>.

For students that are documented Iowa residents but list a "State of Legal Residence" on the FAFSA other than Iowa, the following procedures will need to be followed to report a disbursement in the State Scholarship and Grant Reporting System:

- If you have documented a residency override in which the appropriate tax base is Iowa, you will want to update the State of Legal Residence on the ISIR to Iowa and submit the update to CPS. Also document the residency update in the student's file (at your campus). There are limited situations where the student's or parent's tax base could be in another state, which would justify the Legal State of Residence being something other than Iowa (example: See Section C, numbers 1 and 2 for examples that could produce this situation). In these situations, the school must contact Commission staff to add a record to the System for processing. Documentation must be supplied to Commission staff to verify these situations.
- The updated ISIR record should be available in the State Scholarship and Grant Reporting System within one week of submitting the update to CPS, and will be available for reporting in our system (our agency only has access to ISIRs from Iowa residents). When you report the disbursement in the System, be sure to add an information code (IC) of "RO" – for Residency Override.